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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,038	06/24/2003	Alan Sturt	04026	1037

36547 7590 10/05/2004

BIR LAW, PLC  
45094 MIDDLEBURY CT.  
CANTON, MI 48188-3215

EXAMINER

HOESLY, RYAN C

ART UNIT	PAPER NUMBER
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3727

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/604,038

Applicant(s)

STURT ET AL.

Examiner

Ryan C. Hoesly

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6/24/03
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-11, 15-19, 21, and 24-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Bieri (US Patent Number 6109493). Bieri teaches an inside trim for a vehicle, which includes a method for providing storage within a vehicle console having a storage door (11), a plurality of receptacles having collapsible and expandable spacing (45), and a means for supporting a storage device (Bieri, claim 8). Bieri discloses a receptacle (45) with a flexible material attaching the plurality of receptacles not only to themselves but also to the interior portion of the console and the door of the receptacle. While Bieri only discloses one method of attachment consisting of hooks (44) and slots (43), it is noted in column 6, line 13 "that other modes of implementation within the grasp of a man of the art, could have been contemplated without thereby departing from the scope of the present invention." The attachment methods of fixedly attaching articles or removably attaching articles using hook-and-loop type fastener or snaps are widespread within the art and therefore deemed to not depart from the scope of the Bieri device. In regards to claim 9-11, the statement of intended use has been carefully considered but deemed not to impose any structure on the

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claims distinguishable over that shown by Bieri, which is fully capable of being used as claimed. The receptacles are of the size and shape and have the necessary means to receive flat digital storage devices including memory cards, CD's and DVD's.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Song (US Patent Number 6749244) in view of Frankeny (US Patent Number 5785399). Song teaches an overhead storage system (20), which includes a CD holder (70). Song does not disclose what type of CD holder is to be used, however it is of a size and shape to support the commonly used accordion-style holder.

5. Frankeny teaches a bilateral media storage unit (10), which includes a zigzag media receptacle (36) with media sleeves (44) that are held together by a flexible material so that they fan out and have limited expandability. Frankeny further discloses a storage door (14) and a storage base (12) that are also attached to the flexible material. Frankeny discloses that the flexible material could be made out of a fabric, paper, plastic or other materials (column 4 line 40), thus it could be a cord or a band. The Frankeny device is able to store a variety

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of flat media including CD's, DVD's, and memory cards such as a PCM-CIA card (Personal Computer Memory Card International Association card) (column 4, line 50). The Frankeny device can also receive media from multiple sides so it could be arranged so that the receptacles received media laterally. While Frankeny does not disclose a center separator within the sleeves, it is disclosed that the media should be stored in a way that they will not be damaged, and including a center separator is common practice in the art to protect the media; thus it is within the scope and spirit of the Frankeny device to have a center separator in the sleeves, which would allow the discs to be protected and inherently allow two media to be received without contact.

6. It would have been obvious to one skilled in the art at the time of invention to use an accordion style media storage device such as Frankeny's in the designated CD holder are of the Song device. Additionally, it is also common practice in the vehicle console industry to either fixedly attach components in designated areas or to provide removable attachment means such as hook-and-loop-type material or snaps to attach the different devices that are incorporated into vehicle consoles. It would have also been obvious to one skilled in the art at the time of invention that the Song storage system is of a size and shape to allow it to be placed on the floor of the vehicle.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art made of record can be found in the Notice of References Cited (PTO Form-892)

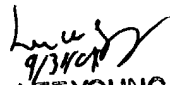
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan C. Hoesly whose telephone number is (703) 305-0576. The examiner can normally be reached on Monday-Thursday 8:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee Young can be reached on (703) 308-2572. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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LEE YOUNG  
SUPERVISORY PATENT EXAMINER  
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